

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NIKOLA LUKAJ, JOSEPH POTENTE, and  
DIANA O'NEILL,

Plaintiffs,

-against-

PHILIP AMICONE, individually, EDMUND  
HARTNETT, individually, JOHN A. LISZEWSKI,  
individually, JOHN FLEMING, individually, DAVID  
SIMPSON, individually, LAWRENCE A. PORCARI,  
Jr., CITY OF YONKERS, New York, PAUL WOOD,  
individually, POLICE OFFICERS JOHN DOES #1 to  
#20, individually, and SANITATION WORKERS #1 to  
#20, individually,

Defendants.

ECF Case


07 Civ. 8184 (CLB)

**NOTICE OF MOTION**

Defendants, Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually, by their attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, will move this Court, pursuant to local Civil Rule 1.4, before the Honorable Charles L. Brieant, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York on a date to be determined by the Court, for an Order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants, Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually, replacing the law firm of Thacher Proffitt & Wood LLP.

Dated: White Plains, New York  
February 29, 2008

DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP

By:   
Kevin J. Plunkett  
One North Lexington Avenue  
White Plains, New York 10601  
(914) 681-0200

TO:

*Attorneys for Plaintiffs*

LOVETT & GOULD, LLP  
Jonathan Lovett, Esq.  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401

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SOUTHERN DISTRICT OF NEW YORK

NIKOLA LUKAJ, JOSEPH POTENTE, and  
DIANA O'NEILL,

Plaintiffs,

-against-

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individually, JOHN FLEMING, individually, DAVID  
SIMPSON, individually, LAWRENCE A. PORCARI,  
Jr., CITY OF YONKERS, New York, PAUL WOOD,  
individually, POLICE OFFICERS JOHN DOES #1 to  
#20, individually, and SANITATION WORKERS #1 to  
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**AFFIDAVIT OF  
KEVIN J. PLUNKETT**

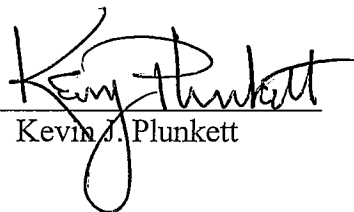
STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER         )

Kevin J. Plunkett, being duly sworn, deposes and says:

1. I am a partner in the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, One North Lexington Avenue, White Plains, New York 10601. I am admitted to practice before this Court. Pursuant to Local Civil Rule 1.4, I submit this affidavit in support of an application for an order substituting DelBello Donnellan Weingarten Wise & Wiederkehr, LLP as counsel for Defendants Philip Amicone, individually, Edmund Hartnett, individually, John A. Liszewski, individually, John Fleming, individually, David Simpson, individually, Lawrence A. Porcari, Jr., City of Yonkers, New York, Paul Wood, individually, Police Officers John Does #1 to #20, individually, and Sanitation Workers #1 to #20, individually (collectively, "Defendants"), in the above-captioned action, for Thacher Proffitt & Wood LLP, 50 Main Street, White Plains, New York 10606.

2. I recently moved my practice from Thacher Proffitt & Wood LLP to DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.

3. This substitution is sought at the request of Defendants who have informed me that they wish for me to continue working on this matter at my new firm.

  
Kevin J. Plunkett

Sworn to before me this  
25<sup>th</sup> day of February, 2008

  
Notary Public

STEFANIE A. BASHAR  
NOTARY PUBLIC, State of New York  
No. 01BA5069723  
Qualified in Westchester County  
Commission Expires December 2, 2010